



Serial No.: 09/427,123

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REMARKS

Preliminary Amendment

Please note that a Preliminary Amendment was filed in the above-referenced application on October 22, 1999, but that entry of the Preliminary Amendment into the Office file and consideration thereof have not yet been acknowledged. If, for some reason, the Preliminary Amendment has not been entered into the Office file, the undersigned attorney will be happy to have a true copy thereof hand-delivered to the Examiner.

Restriction Requirement

Claims 1 through 12 are currently pending in the application and subject to a Restriction Requirement.

A constructive election has been made by the Office, pursuant to 37 C.F.R. § 1.176, to examine claims 1 and 2 of Group I. The election of Group I is agreed with, without traverse.

Supplemental Reissue Declaration

Claims 1 and 2 both stand rejected under 37 C.F.R. 1.175(a)(1) as being based upon a defective reissue declaration. With respect to reissue declarations, 37 C.F.R. § 1.175(c) provides:

Having once stated an error upon which the reissue is based, as set forth in paragraph (a)(1), unless all errors previously stated in the oath or declaration are not longer being corrected, a subsequent other or declaration under paragraph (b) of this section need not specifically identify any other error or errors being corrected.

As a continuing application, it is respectfully submitted that the errors in the originally issued U.S. Patent 5,291,061, which has already been surrendered and reissued as U.S. Patent Re. 36,613, have already been appropriately stated in the Reissue Declaration and Supplemental Reissue Declarations of the parent to the above-referenced application.

In any event, the errors are restated in a Supplemental Reissue Declaration which is being filed herewith.



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CONCLUSION

Following entry of the Preliminary Amendment, a prompt action on the merits of claims 1 and 2 is respectfully requested.

Respectfully submitted,

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